

## EIGHTEENTH DAY

(Monday, February 26, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Holekamp.
Adamson.	Holland.
Aikin.	Holloway.
Alexander.	Hoskins.
Alsup.	Huddleston.
Anderson.	Hughes.
Atchison.	Hunter.
Baker.	Hyder.
Barrett.	Jackson.
Barron.	James.
Beck.	Jefferson.
Bergman.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Latham.
Celaya.	Lemens.
Chastain.	Leonard.
Clayton.	Lindsey.
Colson.	Long.
Coombes.	Lotief.
Cowley.	Mackay.
Crossley.	Magee.
Daniel.	Mathis.
Davidson.	McCullough.
Dean.	McDougald.
Devall.	McGregor.
Dunlap.	McKee.
Duvall.	Merritt.
Dwyer.	Metcalfe.
Engelhard.	Mitcham.
Fain.	Moffett.
Fisher.	Moore.
Ford.	Morrison.
Fuchs.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Patterson.
Graves.	Pavlica.
Greathouse.	Pope.
Griffith.	Puryear.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Harrison.	Reader.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Renfro.
Hicks.	Riddle.
Hill.	Roark.
Hodges.	Roberts.

Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Tillery.
Russell.	Townsend.
Savage.	Turlington.
Scarborough.	Van Zandt.
Scott.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Stanfield.	Wells.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.
Stubbeman.	

## Absent

Lange.	Smith.
Morse.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Mr. Hunt for today and tomorrow, on account of illness of his wife, on motion of Mr. Hunter.

Mr. Johnson of Dimmit for today and tomorrow, on motion of Mr. Ford.

Mr. Bedford for today and tomorrow, on account of illness in his family, on motion of Mr. Aikin.

Mr. Dunagan for today and tomorrow, on account of illness, on motion of Mr. Latham.

Mr. Weinert for today and tomorrow, on account of illness, on motion of Mr. Baker.

## GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 30, Granting J. M. McCarty permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs; The Committee on State Affairs having reported the resolution favorably.

Mr. Pope offered the following committee amendment to the resolution: Amend House Concurrent Resolution No. 30 by adding, at the end of same, the following: "That the venue

of any suit so filed shall be in Travis County, Texas."

The amendment was adopted.

The resolution as amended was adopted.

#### GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 31, Granting J. W. Beretta permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

#### COMMENDING HON. R. M. JOHNSON

Mr. Devall offered the following resolution:

Whereas, Our distinguished colleague, the Hon. R. M. Johnson, Member of the House of Representatives from Palestine, Anderson County, Texas, is an announced candidate for the high and honorable office of Lieutenant Governor of this State; and

Whereas, The said Hon. R. M. Johnson is an outstanding and leading Member of this Body, interested in the affairs of this State and serving well and faithfully the interest of his constituency and the masses in general; and

Whereas, Our good friend has adopted as his campaign slogan, "I am in to stay. I am out to win," which slogan and position is consistent with his adherence to his obligations as a Legislator; therefore, be it

Resolved, That the House of Representatives of the Forty-third Legislature in Second Called Session compliment our colleague, Hon. R. M. Johnson, for his high aspirations and ideals in seeking the office of Lieutenant Governor of this great State, and by this resolution commend him to the people of Texas.

Signed—Devall, Calvert, Patterson, Hoskins, Jefferson, Crossley, McKee, Hartzog, Baker, Colson, Young, Stinson, Hicks, Steward, Roark, Huddleston, Nicholson, Tarwater, Holekamp, Tillery, Winningham, Davidson, Bourne, Mitcham, Walker, Clayton, Tennyson, Morrison, Lange, Leonard, Harman, Reed of

Bowie, James, Turlington, Kyle of Hays, Ray, Roberts, Ratliff, Head, Wood, Alsup, Cowley, Fain, Palmer, Dunlap, Metcalfe, Jones of Runnels, Camp, Hodges, Canon, Aikin, Hankamer, Laird, Hester, Pavlica, Harris, Burns, Kyle of Palo Pinto, Daniel, Holloway, Parkhouse, Glass, Moffett, Scarborough, Stubbeman, Scott, Good, Russell, Cathey, Rollins, Jones of Atascosa, Beck, Hughes, Jones of Shelby, Riddle, Barron, Van Zandt, Shults, Hyder, Alexander, Dunagan, Coombes, Merritt, Barrett.

The resolution was read second time, and was adopted.

#### RELATIVE TO WASTE OF NATURAL GAS IN TEXAS

Mr. Van Zandt offered the following resolution:

Whereas, There is being wasted each day in the great Texas Panhandle gas field, by blowing into the air, the appalling amount of more than one billion cubic feet of natural gas, one of the State's most valuable natural resources; and

Whereas, The total wastage of this valuable natural resource in the Panhandle for one month alone would supply the domestic gas needs for the entire State of Texas for an entire year, and the needs of all users throughout the United States for a period of almost fifteen days; and

Whereas, Such wanton extravagance in the use of this great natural resource is nowhere tolerated nor equaled in the world, and amounts to the loss of millions of dollars per year, being equivalent to twelve million dollars worth of coal, and approximately thirty million barrels of oil; and

Whereas, This stupendous waste of natural gas will irreparably injure the homeowners and domestic users of this State by destroying the security of their future fuel supply, and would ultimately result in increasing the cost of natural gas; and

Whereas, This irretrievable dissipation of natural gas is causing a staggering loss of recoverable oil which ultimately will amount to four hundred million barrels; and

Whereas, This devastation of a great natural resource is a violation of conservation policies which have been in effect for more than thirty years, and is a complete reversal of the spirit of our conservation princi-

ples, as expressed in the Constitution, which has entrusted the preservation of such resources to the Legislature of the State, and is inconsistent with prevailing Democratic State and National control of commodities and resources; and

Whereas, It is the desire of the Texas State House of Representatives to go on record as opposing the waste of one of Texas' great natural resources, and to call upon the land owners, lease owners, royalty owners, casing-head plant owners, carbon black plant owners, oil producers, pipe line companies, gas companies, and all other persons, parties, partnerships, companies or corporations having property or holdings in the Panhandle of this State, to take steps to prevent and stop the destruction of the aforesaid natural resources; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, in order to preserve the vast and valuable resources of this State for coming generations, That it is opposed to the great wastage and devastation of natural gas which ultimately will, and at the present time does, cause a great hardship upon many people of the State, and that the House of Representatives does hereby call upon the various land owners, lease owners, royalty owners, casinghead gas plant, and carbon black plant owners, oil producers and refiners, gas companies, gas pipe lines, and all other operators of any and all persons, partnerships, companies, corporations, and other persons owning, operating, leasing, or in anywise connected with the great Panhandle field of the State of Texas, where the wasting of gas is being most seriously abused, to unite and co-operate with the view of taking necessary steps to work out a plan or solution whereby the property rights in existence will be protected and the State of Texas will have preserved for it and the uses of its citizens the tremendous and appalling amount of gas being wasted by allowing same to escape into the air, and that the necessary and appropriate plans to formulate such a solution as will solve this grievous problem be made immediately; be it further

Resolved by the House of Representatives, That the waste of natural gas in other fields other than the Panhandle be likewise stopped, and that

such operators, land owners, lease owners, royalty owners, oil companies, gas companies, pipe line companies, and such other parties or persons interested in or in any wise connected with such wastage in the aforesaid Panhandle field, or in other fields in this State, commence the inauguration of a necessary plan to carry out a conservation policy for this great State.

VAN ZANDT,  
ADAMSON,  
WOOD,  
LONG.

The resolution was read second time.

Mr. Scarborough offered the following amendment to the resolution:

Amend the resolution by adding thereto the following:

"And a committee of three Members be appointed by the Speaker of the House to make an investigation of the facts and allegations herein alleged, with power to examine books, records, and other papers of any and all persons, firms or corporations leasing, producing, transporting, processing or manufacturing natural gas, casinghead gas or carbon black in Texas, and with the further power to subpoena witnesses, issue processes, and examine such witnesses, under oath, with respect to such matters pertinent to the facts herein alleged, and all other powers necessary to carry out the provisions of this resolution, and make a written report of such finding to any Called Session of the Forty-third Legislature or to the Forty-fourth Legislature, at Regular Session; and such committee shall have no authority to create any expense whatsoever chargeable against the State of Texas."

SCARBOROUGH,  
BUTLER.

Mr. Puryear moved that the resolution be referred to the Committee on Conservation and Reclamation.

Mr. Anderson raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Moffett moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, for the purpose of considering the resolution:

The motion was lost.

Question—Shall the amendment by Mr. Scarborough be adopted?

#### RELATIVE TO PAYMENT OF CERTAIN CLAIMS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 19, Relative to payment of certain claims.

Whereas, On February 7, 1914, the sum of \$5,033.87, then on deposit with the State National Bank of Austin, Texas, was turned into the Treasury of the State of Texas; and

Whereas, Said funds had been deposited with the Adjutant General of the State of Texas by the Government of the United States for the payment of the officers and enlisted men of the five regiments furnished by the Governor of Texas under the first and second calls for troops by the President in 1898, for service from date of rendezvous at their home stations until mustered into United States service or rejection from such service at points of mobilization; and

Whereas, Rightful claims are made for payment from such funds from time to time by veterans entitled to such payment; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Adjutant General of the State of Texas be, and he is hereby, authorized to pay such rightful claims out of the appropriation for contingent expenses made for his Department, the total of such expenditure not to exceed in any event the amount of \$5,033.87.

The resolution was read second time, and was adopted.

#### ENDORING ADMINISTRATION OF PRESIDENT ROOSEVELT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 23, Relative to Administration of President Roosevelt.

Whereas, March 4, 1934, is the first anniversary of the Administration of the President of the United States, Franklin Delano Roosevelt; and

Whereas, Few Presidents have enjoyed the confidence, the co-operation, and the support of the American people as has this matchless leader, and humanitarian President;

Whereas, The American people have during the past year manifested their loyalty to him, and are now enjoying the fruits of his labor as a result of his leadership and his honest and faithful administration of the affairs of the people; and

Whereas, The American people can look forward with renewed confidence, and point with pride to the fulfillment of platform pledges of the Democratic Party and to much constructive legislation by a Democratic Congress; and

Whereas, Among other fulfillments of his pledge to the American people, the President is to be credited with his good faith and honest efforts, and the restoration of agriculture through the establishment of agricultural credit agencies; the refinancing of crop mortgages, including crop production loans, and the increase of agricultural purchasing power; to the redrafting of the National Banking Acts, and the extension of relief to those in financial distress, which we hope will insure the solvency of National banks; legislation to more effectively protect the assets of National banks, and to prevent undue diversion of funds in speculative operations; and we commend his efforts toward a reduction of governmental expense by the consolidation of departments estimated to bring about a saving of more than one billion dollars; laws providing for full and fair disclosures of the character of securities sold in interstate and foreign commerce, and through the mails, and to prevent fraud in the sale thereof; advocating Federal supervision of traffic in investment securities; a shorter working week and shorter working hours for the laboring class; we commend his good faith and his honest efforts through the establishment of the National Recovery Act, to stabilize industry and to aid and assist business conditions generally throughout the United States, the Public Works Act; the Civil Works Act; the establishment of the Home Owners Loan Corporation; railroad reorganization, and legislation dealing with the finances of the Government, including the Gold Bill, to protect the currency of the United States; providing for the establishment of a corporation to aid in refinancing farm loans, and the extension of another year, the Reconstruction Finance Corporation, with power to re-loan moneys already collected; and

Whereas, The President has brought about a friendly relationship between the Government of the United States and other nations of the world, and has established a program which we trust will lead to perpetual peace among the nations of the earth through practical measures of disarmament; and

Whereas, The record as made by the President, in the fulfillment of platform pledges, and his effort to restore business to normal conditions, is an incomparable record, which has never been equalled in the history of the United States; and

Whereas, In addition to the record of achievements hereinabove set forth and in addition to the fulfillment of platform demands, many other legislative acts dealing with economic problems and the general welfare of the people, have been not only advocated by him, but enacted into laws; and

Whereas, As the President of the United States, he has kept the faith; and

Whereas, By reason of his matchless leadership, his humanitarian attributes, and his ever constant aim and desire to restore confidence among the people toward the Government of the United States, and to find a way to financial recovery, the States of the Union are gradually on the way to financial recovery; and

Whereas, It behooves the people of the State of Texas, the great Democratic State in the Union, to celebrate on Sunday, March 4, 1934, the first anniversary of the Administration of our beloved President, in every city, town, hamlet, precinct, and other subdivisions of the State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, In order to properly celebrate the first anniversary of the Administration of President Roosevelt, the Governor of Texas is respectfully requested to issue a proclamation, designating and setting apart Sunday, March 4, 1934, as a day of thanksgiving, rejoicing and prayer, in recognition of the achievements of the President, done and performed during the first year of his Administration; and be it further

Resolved, In order to assist the Governor of Texas in giving publicity to, and in carrying out the intent and purpose of this resolution, That the Lieutenant Governor be requested to

appoint a committee of five outstanding citizens of Texas, one of which persons so named to act as chairman, and the Speaker of the House of Representatives be requested to appoint a committee of five outstanding citizens of Texas, one of which persons so named to act as chairman, and said persons so named, together with such committee or committees as may be appointed by the Governor, formulate such plans and programs and give such publicity in reference thereto as in their judgment may be necessary to celebrate in a fitting manner the first anniversary of the President's Administration; and be it further

Resolved, That the press of Texas be requested to give publicity to such plans and programs as may be adopted in such manner as to encourage the Governors and/or Legislatures of other States, and the Congress of the United States, to take similar action, so that Sunday, March 4, 1934, may be named a National day of thanksgiving, rejoicing and prayer, in honor of the President and in recognition of his achievements during the first year of his Administration.

The resolution was read second time, and was adopted.

#### RELATIVE TO CERTAIN LAND LEASES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25, Relative to certain land leases.

Whereas, It is provided in Section 2 of House Bill No. 358, Chapter 271, Regular Session of the Forty-second Legislature, that public free school land may not be sold where located within five miles of a well producing oil or gas in commercial quantities, but shall be subject to lease only; and

Whereas, It is provided in Senate Concurrent Resolution No. 4 of the First Called Session of the Forty-second Legislature, 1931, page 101, General and Special Laws, First Called Session, Forty-second Legislature, that the restrictions contained in Section 2 of said Act shall not apply to lands sold under the preference rights granted in Section 5, of Chapter 271, General Laws, Regular Session, Forty-second Legislature, but that lands may be sold under the preference rights granted by Section 5 of said Act when situated within five miles of a producing oil well; and

Whereas, Section 8, Chapter 271, General Laws, Regular Session, Forty-second Legislature, grants a preference right to lease areas which appear on the Land Office maps as unsurveyed school lands to persons, who discover the same, at a reasonable price fixed by the Commissioner of the General Land Office, and with a royalty as provided in Section 10 of said Act; and

Whereas, There are conflicts between Section 5 and Section 8 of said Chapter 271, and confusion has arisen as to priorities thereunder; now, therefore, be it

Resolved by the Legislature of the State of Texas, That it was the intention of the Forty-second Legislature, and is now the intention of the Legislature of Texas that the preference right to lease granted under Section 8 of Chapter 271, General Laws, Regular Session, Forty-second Legislature, to persons who discover unsurveyed areas, as therein described, of school land shall be and the same is hereby declared to be superior to the preference right to purchase granted by Section 5 of said Act where said discoverer files his application to lease before and prior to any application to purchase under the preference rights granted by Section 5 of said Act. Be it further

Resolved by the Legislature of Texas, That all applications for preference leases made under Section 8, Chapter 271, General Laws, Regular Session, Forty-second Legislature, and filed prior to any application to purchase under the preference rights granted by Section 5, Chapter 271, General Laws, Regular Session, Forty-second Legislature, shall be recognized by the Commissioner of the General Land Office as conferring a priority of right, and said leases shall be issued by the Commissioner of the General Land Office when he is satisfied that the lands applied for are unsurveyed areas of school land and that the application of lease conforms to the requirements of Section 8, of Chapter 271, General Laws, Regular Session, Forty-second Legislature.

The resolution was read second time.

Mr. Wagstaff moved that the resolution be referred to the Committee on Public Lands and Buildings.

The motion prevailed.

## RELATIVE TO THE PRESERVATION OF CERTAIN RELICS

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 26, Relative to the preservation of certain historical relics.

Whereas, To date there has been no definite effort made to conserve the priceless historical relics which are the heritage of Texas, many of which are in danger of being completely lost to posterity, for, as someone has aptly expressed it, "Texas boasts more of her glorious history and her martyred heroes and yet does less to preserve their historic shrines and to honor their illustrious dead than any other State in the Union"; and

Whereas, In all the annals of history there is no State, Nation or country whose history is more replete with deeds of bravery, heroism and romance than is the history of Texas in its transition from a wilderness inhabited by Indians, down through its successive stages when at various times under six different flags it was a province of a foreign country, then an independent republic and finally a State of the Union. Without Goliad, without San Jacinto, or any of the other battlefields where history was made, the Alamo alone would justify our claims to immortality in the halls of fame for our heroes who were responsible for this heritage of ours. "Thermopylae had her messenger of defeat, the Alamo had none."

Whereas, The Texas American Legion with the purpose in view of erecting a permanent building in Austin, Texas, in which may be gathered and properly preserved historical relics and data, which if once lost can never be replaced, have secured the consent of Congress to mint half dollars commemorating the Texas Centennial, the sale of which coins will go towards the consummation of the Legion's hopes and desires with reference to saving to the State and Nation the incontestable proofs of the patriotic courage, fortitude and wisdom of our pioneer forefathers who against unbelievable odds wrested from hostile forces an empire State which today stands second to none in these United States; therefore be it

Resolved by the Senate of Texas, the House concurring, That the Legislature of Texas endorse the effort

of the Texas American Legion in their laudable undertaking to provide a permanent repository for the relics, data and historical material generally in order that the same may be preserved, and the building in which they are placed may be a suitable shrine dedicated to the heroes of Texas.

The resolution was read second time.

Mr. Anderson offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 26 by striking out after the word "it," in line 5, page 1, "everything in paragraph included in quotation marks."

The amendment was adopted.

Mr. Alsup moved that the resolution be referred to the Committee on State Affairs.

Mr. Metcalfe moved, as a substitute motion, that the resolution be referred to the Committee on Public Lands and Buildings.

The substitute motion prevailed.

Mr. Hartzog moved to table the motion as substituted.

The motion to table was lost.

The motion, as substituted, prevailed.

#### GRANTING PERMISSION TO SUE THE STATE

Mr. Greathouse offered the following resolution:

H. C. R. No. 32, Authorizing the depositors of the insolvent Texas National Bank, of Fort Worth, Texas, or its receiver, to sue the State of Texas, to recover an alleged unlawful preference granted to the State of Texas and claimed to be in violation of the National Banking Act.

Whereas, The Texas National Bank, of Fort Worth, Texas, a National banking corporation, was suspended by the Comptroller on or about January 30, 1930, and is now being liquidated, and prior to such suspension its officers had deposited with the State Treasurer assets of said bank, consisting of \$13,000 of United States Treasury certificates, and \$125,000 par value Federal Farm Loan Bonds, as collateral to secure the moneys deposited in said bank, belonging to the State of Texas, which deposit of moneys at the time of the closing of said bank amounted to the sum of \$69,524.22, and after the closing of said bank the receiver thereof, in order to recover said assets, paid to the

State of Texas said sum of money in full, which payment the depositors in said bank have contended was an unlawful preference granted the State of Texas in violation of the National Banking Act; and

Whereas, Said depositors now claim that the Supreme Court of the United States has recently held in a similar case that such deposit of securities to secure the deposit of public moneys was void and violative of the National Banking Act, and that the moneys so paid to the State of Texas are claimed to rightfully belong to the estate of said bank for ratable distribution among all depositors alike; and

Whereas, Said disputed claim should be in law judicially determined, and the depositors claiming said sum adversely to the State of Texas, given the right to have a judicial determination of their rights thereto as against the State of Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the consent and permission of the State of Texas, be, and the same are hereby granted to the said depositors of said bank, and to the receiver of said bank, to institute and prosecute in a court of competent jurisdiction, an action or suit to recover the moneys so claimed to have been unlawfully paid to the State of Texas.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 23, A bill to be entitled "An Act amending Section 7, of Chapter 13, of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Subdivision (o), relating to payment of refunding eligible obligations of counties and defined road districts; and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act amending Section 3, of Chap-

ter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said chapter; fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and or prosecuting said claims, and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas, with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; etc., and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; and declaring an emergency." (With amendments.)

S. B. No. 19, A bill to be entitled "An Act to validate the adoption papers that were signed by the adopting parent or parents, prior to January 1, 1923, and making the acts of adoption prior thereto valid, whether the adoption papers were authenticated or acknowledged as deeds are required to be, or whether same were filed for record prior to the death of the adopting parent or parents, and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711, of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act amending Chapter 9, Acts of the First Called Session of the Forty-second Legislature, by adding

thereto a new section, Section 3-a, authorizing the governing bodies of cities, towns, and villages to reduce the required collateral of city depository banks in a sum equal to the amount of such deposits as may be guaranteed or insured by any Act of the Congress of the United States, or by the Legislature of Texas, and declaring an emergency."

S. C. R. No. 20, Whereas, At Regular Session, the Forty-third Legislature sought to establish a policy which would make all compensation of State officials and employes known and certain, etc.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### RELATIVE TO LEGISLATIVE INTENT IN THE PASSAGE OF CERTAIN LAW

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 27, Relative to declaring intention of the Legislature in passage of certain law.

Whereas, Because of the wording of Section 19, of Chapter 37, of the Laws of the First Called Session of the Forty-third Legislature, confusion has arisen in the administration of relief in at least one county in the State and possibly in many counties; and

Whereas, The best interests of the State require that county administrators heretofore selected who have heretofore capably and efficiently served the State, and who are now disqualified by reason of Section 19 of the 1933 Relief Act, be permitted to continue to serve the State and not be held to be disqualified because of a technical prohibition imposed by Section 19 of said Act; and

Whereas, In order to remove uncertainty, it is necessary that the legislative intent be made plain; now, therefore, be it

Resolved by the Legislature of Texas, That it was not, and is not, the intention of the Legislature of Texas by the requirements of Section 19, of Chapter 37, Laws of the First Called Session of the Forty-third Legislature to disqualify any county administrator or other county employe formerly selected and serving as such prior to the passage of this resolution by reason of the relationship mentioned in said section.



but said section applies only to persons employed directly by the Texas Relief Commission as its employes; be it further

Resolved, That nothing in this resolution shall affect the power conferred on the Texas Relief Commission by the Act of 1933, to reject or confirm any county administrator, or other employe, this resolution being in furtherance of those powers, and to clarify the right of the Commission to continue any county administrator, or other county employe, in office who has been selected heretofore and who has served heretofore as such county administrator or county employe.

The resolution was read second time.

Mr. Alsup raised a point of order on further consideration of the resolution, on the ground that it seeks to change the provisions of an existing law.

The Speaker overruled the point of order.

On motion of Mr. Metcalfe, the resolution was tabled.

#### HOUSE BILL NO. 125 WITH SENATE AMENDMENTS

Mr. Bourne called up, from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Bourne, the House concurred in the Senate amendments by the following vote:

#### Yeas—105

Adamson.	Laird.
Aikin.	Lemens.
Alexander.	Leonard.
Alsup.	Lotief.
Anderson.	Magee.
Atchison.	Mathis.
Baker.	McCullough.
Barrett.	McDougald.
Barron.	McKee.
Beck.	Merritt.
Bourne.	Metcalfe.
Bradley.	Mitcham.
Burns.	Moffett.
Butler.	Moore.
Calvert.	Morrison.
Camp.	Munson.
Canon.	Nicholson.
Cathey.	Palmer.
Clayton.	Patterson.
Colson.	Pavlica.
Coombes.	Pope.
Crossley.	Puryear.
Davidson.	Ramsey.
Dean.	Ratliff.
Devall.	Ray.
Fisher.	Reader.
Ford.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Roark.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Hankamer.	Russell.
Harris.	Savage.
Hartzog.	Scarborough.
Head.	Shannon.
Hicks.	Shults.
Hill.	Stanfield.
Hodges.	Stinson.
Holekamp.	Stovall.
Holland.	Stubbeman.
Hoskins.	Tarwater.
Huddleston.	Tillery.
Hunter.	Townsend.
Jackson.	Turlington.
James.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.

#### Nays—4

Chastain.	Steward.
Fain.	Vaughan.

#### Absent

Bergman.	Dunlap.
Caven.	Duvall.
Celaya.	Dwyer.
Cowley.	Engelhard.
Daniel.	Graves.

Harman.	Long.
Harrison.	Mackay.
Hester.	McGregor.
Holloway.	Morse.
Hughes.	Parkhouse.
Hyder.	Riddle.
Jefferson.	Rollins.
Johnson	Scott.
of Anderson.	Smith.
Kayton.	Tennyson.
Lange.	Thomas.
Latham.	Van Zandt.
Lindsey.	

## Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

SENATE BILLS ON FIRST  
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 23, to the Committee on Highways and Motor Traffic.

Senate Bill No. 19, to the Committee on Judiciary.

Senate Bill No. 50, to the Committee on Criminal Jurisprudence.

Senate Bill No. 69, to the Committee on Municipal and Private Corporations.

CONFERENCE COMMITTEE ON  
HOUSE BILL NO. 99

The Speaker announced the appointment of the following conference committee on House Bill No. 99: Messrs. Long, Wells, Alexander, Roberts, and Scarborough.

## RECESS

On motion of Mr. Anderson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

TO SUSPEND SECTION 5 OF  
RULE XIX

Mr. Savage offered the following resolution:

Resolved, That Section 5, of Rule XIX, of the Rules of the House of

Representatives, be suspended, for the purpose of taking up Senate Bill No. 22, on final passage.

The resolution was read second time, and was adopted by the following vote:

Yeas—87

Adamson.	Lemens.
Alexander.	Leonard.
Alsup.	Long.
Anderson.	Mackay.
Atchison.	Magee.
Baker.	McCullough.
Barron.	McDougald.
Bradley.	McGregor.
Calvert.	McKee.
Caven.	Mitcham.
Celaya.	Moffett.
Chastain.	Moore.
Clayton.	Morrison.
Crossley.	Parkhouse.
Dunlap.	Patterson.
Duvall.	Puryear.
Engelhard.	Ray.
Fain.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Golson.	Roark.
Goodman.	Roberts.
Griffith.	Rollins.
Harris.	Russell.
Harrison.	Savage.
Hartzog.	Shannon.
Hester.	Shults.
Hicks.	Smith.
Hodges.	Stanfield.
Holland.	Steward.
Hoskins.	Stinson.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hyder.	Thomas.
James.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Wells.
Kyle of Hays.	Winningham.
Kyle of Palo Pinto.	Wood.
Laird.	Young.

Nays—18

Aikin.	Graves.
Beck.	Lindsey.
Bourne.	Lotief.
Canon.	Merritt.
Coombes.	Metcalfe.
Dean.	Munson.
Devall.	Reed of Bowie.
Fisher.	Rogers of Hunt.
Good.	Scott.

Absent

Barrett.	Bergman.
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Burns.	Jones of Atascosa.
Butler.	Lange.
Camp.	Latham.
Cathey.	Mathis.
Colson.	Morse.
Cowley.	Nicholson.
Daniel.	Palmer.
Davidson.	Pavlica.
Dwyer.	Pope.
Greathouse.	Ramsey.
Hankamer.	Ratliff.
Harman.	Rogers
Head.	of Ochiltree.
Hill.	Scarborough.
Holekamp.	Stovall.
Holloway.	Stubbeman.
Hunter.	Van Zandt.
Jackson.	Vaughan.
Jefferson.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

## SENATE BILL NO. 22 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 22, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or Celebrations, in 1936; to provide for the creation of a Texas Centennial Commission of not less than twenty-one members and its permanent organization, and declaring an emergency."

The bill was read third time.

Mr. Aikin raised the following point of order:

Mr. Speaker, I raise the following point of order on Section 1 of Senate Bill No. 22:

Section 1 of Senate Bill No. 22 provides as follows:

"Section 1. That there shall be held, in the year 1936, a celebration commemorating the heroic period of early Texas history and celebrating a century of the independence and progress of Texas as a Republic and State; said celebration or exposition to be held at such place or places, and at such time or times, as may be hereafter designated by the Centennial Commission to be provided for as set out in this Act."

The constitutional amendment, which is Section 60, of Article XVI,

of the Constitution of Texas, provides as follows:

"That the Constitution of the State of Texas be so amended as to authorize a Texas Centennial, commemorating the heroic period of early Texas history, and celebrating a century of our independence and progress, to be held at such times, places, and in such manner as may be designated by the Legislature of Texas.

"That the Legislature of Texas be authorized to make appropriation for the support and maintenance thereof; provided, that this authorization shall not be construed to make appropriation for any other future exposition or celebration of any kind or character."

I raise the point of order that Section 1 does not comply with Section 60, Article XVI, of the Constitution, in that it attempts to substitute the words "Centennial Commission" for the words "Legislature of Texas," and is in strict violation of the Section above-referred to.

I cite the following cases from the Federal Reporter, Vol. 293:

"The true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done. To the latter no valid obligation can be made. St. Louis, etc., Railway Company vs. United States, 118 Fed. 191, 110 C. C. A., 63."

Also, Mr. Speaker, I cite the following from the text of Texas Jurisprudence, page 501, under the subject of delegating legislative power:

"The people of Texas, in the enactment of their organic law, are not limited in the distribution of governmental powers, nor are they bound by the maxim, *delegata potestas non potest delegari*. Thus they may delegate the sovereign power of taxation to the Legislature and by special provision authorize the Legislature to redelegate that power to any agent, body politic, or corporation, named in the Constitution itself. Nor is there any

question as to the power of the people, through a constitutional amendment, to vest in the voters of a city the right to exercise a power concerning the extension of its limits that had theretofore vested in the Legislature."

The Legislature may not delegate any of its powers unless authorized to do so by the Constitution.

I raise this point of order, Mr. Speaker, because it is my firm conviction that if this bill passes in this form without this Section being struck out that it will undoubtedly be held unconstitutional by the courts of our State.

CANON  
AIKIN,  
SCOTT.

The Speaker sustained the point of order.

Senate Bill No. 22 was passed by the following vote:

#### Yeas—99

Adamson.	Hester.
Alexander.	Hill.
Alsup.	Hodges.
Anderson.	Holland.
Atchison.	Hoskins.
Baker.	Huddleston.
Barron.	Hughes.
Bradley.	Hyder.
Burns.	James.
Butler.	Johnson
Calvert.	of Anderson.
Cathey.	Jones of Runnels.
Caven.	Jones of Shelby.
Celaya.	Kayton.
Chastain.	Kyle of Hays.
Clayton.	Kyle of Palo Pinto.
Cowley.	Laird.
Crossley.	Latham.
Daniel.	Lemens.
Davidson.	Leonard.
Dunlap.	Mackay.
Duvall.	Magee.
Dwyer.	Mathis.
Engelhard.	McCullough.
Fisher.	McGregor.
Ford.	McKee.
Fuchs.	Merritt.
Glass.	Mitcham.
Golson.	Moffett.
Goodman.	Moore.
Griffith.	Morrison.
Hankamer.	Morse.
Harman.	Nicholson.
Harris.	Parkhouse.
Hartzog.	Patterson.

Pope.	Steward.
Puryear.	Stinson.
Ratliff.	Stovall.
Ray.	Stubbeman.
Reader.	Tarwater.
Reed of Dallas.	Tennyson.
Renfro.	Thomas.
Riddle.	Tillery.
Roark.	Townsend.
Roberts.	Turlington.
Russell.	Wagstaff.
Savage.	Wells.
Shannon.	Winningham.
Shults.	Wood.
Smith.	Young.
Stanfield.	

#### Nays—23

Aikin.	Holekamp.
Barrett.	Hunter.
Beck.	Lotief.
Bourne.	Metcalfe.
Camp.	Munson.
Canon.	Reed of Bowie.
Coombes.	Rogers of Hunt.
Dean.	Rollins.
Devall.	Scott.
Fain.	Vaughan.
Good.	Walker.
Graves.	

#### Absent

Bergman.	Lindsey.
Colson.	Long.
Greathouse.	McDougald.
Harrison.	Palmer.
Head.	Pavlica.
Hicks.	Ramsey.
Holloway.	Rogers
Jackson.	of Ochiltree.
Jefferson.	Scarborough.
Jones of Atascosa.	Van Zandt.
Lange.	

#### Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee on House Bill No. 99. The following have been appointed on the part of the Senate: Senators Small, Cousins, Pace, Moore, and Murphy.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 16 ON THIRD  
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 16, A bill to be entitled "An Act to provide for the licensing of stores in Texas, fixing fees therefor; declaring operation without license to be a misdemeanor; defining terms used herein; providing three-fourths of fees collected hereunder shall be used for retiring principal and interest on relief bonds issued and to be issued by the Legislature, and one-fourth to be credited to the Public School Fund; making an appropriation; providing manner of issuing license by the State Comptroller, and declaring an emergency."

The bill was read third time.

Mr. Cowley moved the previous question on the passage of the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The main question was ordered by the following vote:

## Yeas—72

Adamson.	Hunter.
Alsup.	James.
Barrett.	Johnson
Barron.	of Anderson.
Beck.	Jones of Runnels.
Bourne.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Palo Pinto.
Canon.	Laird.
Clayton.	Latham.
Colson.	Lemens.
Cowley.	Lindsey.
Crossley.	Long.
Daniel.	Lotief.
Duvall.	Mackay.
Dwyer.	Magee.
Engelhard.	Mitcham.
Fain.	Nicholson.
Fisher.	Ramsey.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Reader.
Goodman.	Riddle.
Greathouse.	Roark.
Griffith.	Rogers
Harris.	of Ochiltree.
Hartzog.	Rollins.
Head.	Scott.
Hester.	Shannon.
Hodges.	Shults.
Holekamp.	Stinson.
Holland.	Stubbeman.
Huddleston.	Tarwater.

Tennyson.  
Tillery.  
Townsend.  
Turlington.

Van Zandt.  
Walker.  
Wells.  
Wood.

## Nays—45

Aikin.	Moffett.
Alexander.	Moore.
Atchison.	Morrison.
Baker.	Munson.
Butler.	Parkhouse.
Camp.	Patterson.
Cathey.	Puryear.
Coombes.	Reed of Bowie.
Davidson.	Reed of Dallas.
Dean.	Renfro.
Devall.	Roberts.
Ford.	Rogers of Hunt.
Good.	Russell.
Graves.	Smith.
Harman.	Stanfield.
Hill.	Steward.
Hoskins.	Stovall.
Hughes.	Thomas.
Hyder.	Vaughan.
Kyle of Hays.	Wagstaff.
Leonard.	Winningham.
McCullough.	Young.
Metcalfe.	

## Absent

Anderson.	Jones of Atascosa.
Bergman.	Lange.
Calvert.	Mathis.
Caven.	McDougald.
Celaya.	McGregor.
Chastain.	McKee.
Dunlap.	Merritt.
Hankamer.	Morse.
Harrison.	Palmer.
Hicks.	Pavlica.
Holloway.	Pope.
Jackson.	Savage.
Jefferson.	Scarborough.

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

Mr. Parkhouse moved to reconsider the vote by which the main question was ordered.

The motion to reconsider was lost.

House Bill No. 16 was then passed by the following vote:

## Yeas—84

Adamson.	Bradley.
Aikin.	Burns.
Alsup.	Canon.
Barrett.	Cathey.
Barron.	Caven.
Beck.	Chastain.
Bourne.	Clayton.

Cowley.	Lindsey.
Crossley.	Lotief.
Daniel.	Mackay.
Dwyer.	Magee.
Engelhard.	McDougald.
Fain.	McKee.
Fisher.	Merritt.
Fuchs.	Metcalfe.
Glass.	Mitcham.
Golson.	Morrison.
Graves.	Nicholson.
Griffith.	Ramsey.
Hankamer.	Ratliff.
Harris.	Reader.
Hartzog.	Reed of Bowie.
Head.	Riddle.
Hester.	Roark.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Hoskins.	Scott.
Huddleston.	Shannon.
Hunter.	Stanfield.
Hyder.	Steward.
Jackson.	Stovall.
James.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Anderson.	Tillery.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Wells.
Lemens.	Winningham

## Nays—37

Alexander.	Moore.
Anderson.	Morse.
Atchison.	Munson.
Baker.	Parkhouse.
Butler.	Patterson.
Camp.	Puryear.
Coombes.	Ray.
Dean.	Reed of Dallas.
Devall.	Renfro.
Duvall.	Roberts.
Ford.	Russell.
Good.	Scarborough.
Goodman.	Shults.
Harman.	Smith.
Hicks.	Stinson.
Hill.	Stubbeman.
Hughes.	Wood.
Latham.	Young.
McCullough.	

## Absent

Bergman.	Harrison.
Calvert.	Holloway.
Celaya.	Jones of Atascosa.
Colson.	Lange.
Davidson.	Leonard.
Dunlap.	Long.
Greathouse.	Mathis.

McGregor.	Pope.
Moffett.	Rogers of Hunt.
Palmer.	Savage.
Pavlica.	Townsend.

## Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

Mr. Cowley moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider. The motion to table prevailed.

## HOUSE BILL NO. 87 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 87, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent on February 1, 1934, due State, county, common school districts, road districts, levee improvement districts, water improvement districts, and water control districts; etc."

The bill was read third time.

Mr. Hester offered the following amendment to the bill:

Amend House Bill No. 87 by adding at the end of Section 6 the following:

"Provided, that nothing in this Act shall be construed as in any way modifying the existing law relative to the collection of delinquent taxes where such taxes were delinquent on or before December 31, 1929."

Mr. Cowley moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Mr. Van Zandt moved to table the amendment by Mr. Hester.

The motion to table was lost.

Question recurring on the amendment by Mr. Hester, it was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 87 by striking out all below the enacting clause, and substitute the following:

"Section 1. That Article 7336, of the Revised Civil Statutes of 1925, as amended by Chapter 117, Acts, Forty-second Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 7336. That if any person shall pay, on or before November 30 next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, all of the ad valorem and poll taxes imposed by law on him or his property, then the amount of said ad valorem taxes shall be discounted two per cent (2%); that if any person shall pay, after November 30 and on or before December 31 next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, all of the ad valorem and poll taxes imposed by law on him or his property, then the amount of said ad valorem taxes shall be discounted one per cent (1%). That if any person shall pay, on or before November 30 next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, all poll taxes and one-half of the ad valorem taxes imposed by law on him or his property, then he shall have until and including the thirtieth day of the succeeding June within which to pay the other half of his said ad valorem taxes without penalty or interest thereon during said time. Persons paying ad valorem taxes in one-half payments as above set out shall not be entitled to discount.

"If said taxpayer, after paying one-half of his ad valorem taxes on or before November 30, as hereinbefore provided, shall fail or refuse to pay, on or before June 30 next succeeding said November, the other one-half of his said ad valorem taxes, the penalties on the amount of said unpaid taxes shall accrue thereon as hereinafter set out.

"That upon all ad valorem and poll taxes due for 1933 and not paid before February 1, 1934, and due for each year thereafter and not paid before February 1 next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, and upon which the taxpayer has not paid one-half of his ad valorem taxes on or before November 30 next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, there shall be charged 1 per cent penalty if paid in February; 2 per cent penalty if paid in March; 4 per cent penalty if paid in April; 6 per cent penalty if paid in May; 8 per cent penalty if paid in June; each of

said months above-stated being the months next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts. No interest shall be charged upon current ad valorem and poll taxes if paid within the above-named months, but interest at six per centum (6%) per annum from February 1 of each year said taxes are due until paid, together with 10 per cent penalty on the amount of said taxes, shall be charged on all taxes not paid by July 1 of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts.

"All ad valorem and poll taxes shall become delinquent if not paid by July 1 of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts; that is, ad valorem and poll taxes assessed as of January 1, 1933, will be payable from October 1, 1933, to June 30, 1934, as current taxes, subject to and under the provisions hereinbefore stated, and become delinquent taxes if unpaid on July 1, 1934, and ad valorem and poll taxes assessed as of January 1 of each year thereafter will become delinquent taxes if unpaid on July 1 of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts.'

"Sec. 2. All penalties provided in this Act shall, when collected, be paid to the State and the county, and to the district, if any, in proportion to the taxes upon which the penalties are collected.

"The collector of taxes shall, as of the first day of July of each year for which any State, county and district taxes for the preceding year remain unpaid, make up a list of the lands and lots and/or property on which any taxes for such preceding year are delinquent, charging against the same all unpaid taxes assessed against the owner thereof on the rolls for said year.

"Penalties, interest, and costs accrued against any land, lots, and/or property need not be entered by the tax collector on said list, but, in each and every instance, all such penalties, interest, and costs shall be and remain a statutory charge with the same force and effect as if entered on said list, and the tax collector shall calculate and charge all

such penalties, interest, and costs on all delinquent tax statements or delinquent tax receipts issued by him.

"Said list shall be made in triplicate, and shall be presented to the commissioners court for examination and correction of any errors that may appear, and when so examined and corrected by the commissioners court, such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk or county auditor, and one copy returned and preserved by the collector, and one copy forwarded to the Comptroller with his annual settlement reports. Such lists as furnished by the tax collector and corrected by the commissioners court, and the rolls or books on file in the collector's office, or either said lists or assessment rolls or books, shall be prima facie evidence that all the requirements of the law have been complied with by the officers of courts charged with any duty thereunder as to regularity of listing, assessing, levying all taxes therein mentioned, and reporting as delinquent any real estate whatsoever, and that the amount alleged against said property is a true and correct charge; and, in cases in which the description of the property in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor's office, then said inventories shall be admissible as evidence of the description of said property.

"Sec. 3. It shall be the duty of the Comptroller of Public Accounts to prescribe such forms for tax rolls to be used by the county tax assessors as may make it convenient for the collectors of taxes to note thereon the payment of taxes as provided for in this Act; and to prescribe such forms for receipts, and reports, and such other forms for the use of the collectors of taxes as in his opinion may be advisable. This provision is cumulative of all other provisions of the statutes of the State prescribing the duties of the Comptroller of Public Accounts.

"Sec. 4. All laws in conflict herewith are hereby repealed.

"Sec. 5. The fact that under existing laws it is impossible for many taxpayers to pay delinquent taxes,

but same could be paid if the penalties thereon were graduated and the interest charges deferred until July 1, 1934, and the further fact that a great increase will be made in the payment of taxes in October, November, and December of this year and following years under this Act, which will be of advantage to the financial condition of the State, counties, and districts, create an emergency and a public necessity requiring that the constitutional rule, providing that bills shall be read on three several days in each House, shall be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Mr. Hester raised a point of order on further consideration of the amendment by Mr. Moffett, on the ground that it violates certain sections of the Constitution.

The Speaker sustained the point of order.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 87 was passed by the following vote:

Yeas—77

Aikin.	Holekamp.
Alsup.	Hoskins.
Baker.	Huddleston.
Barrett.	Hunter.
Bourne.	Jackson.
Burns.	James.
Butler.	Jones of Runnels.
Calvert.	Jones of Shelby.
Canon.	Kayton.
Cathey.	Kyle of Palo Pinto.
Celaya.	Latham.
Chastain.	Leonard.
Clayton.	Lindsey.
Colson.	Lotief.
Cowley.	Mackay.
Davidson.	Mathis.
Duvall.	McDougald.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Mitcham.
Fisher.	Morrison.
Fuchs.	Nicholson.
Glass.	Patterson.
Golson.	Pavlica.
Goodman.	Pope.
Greathouse.	Puryear.
Hankamer.	Ramsey.
Hartzog.	Ray.
Head.	Reader.
Hodges.	Reed of Bowie.



Riddle.	Shults.
Roark.	Stanfield.
Rogers of Hunt.	Tarwater.
Rogers	Thomas.
of Ochiltree.	Vaughan.
Rollins.	Walker.
Russell.	Wells.
Scott.	Wood.
Shannon.	Young.

## Nays—30

Adamson.	Hyder.
Atchison.	Kyle of Hays.
Beck.	Magee.
Camp.	Metcalf.
Caven.	Moore.
Crossley.	Morse.
Daniel.	Munson.
Dean.	Ratliff.
Devall.	Reed of Dallas.
Ford.	Stinson.
Graves.	Stubbeman.
Harris.	Townsend.
Hester.	Turlington.
Hill.	Van Zandt.
Hughes.	Wagstaff.

## Absent

Alexander.	Lange.
Anderson.	Lemens.
Barron.	Long.
Bergman.	McCullough.
Bradley.	McGregor.
Coombes.	Moffett.
Dunlap.	Palmer.
Good.	Parkhouse.
Griffith.	Renfro.
Harman.	Roberts.
Harrison.	Savage.
Hicks.	Scarborough.
Holland.	Smith.
Holloway.	Steward.
Jefferson.	Stovall.
Johnson.	Tennyson.
of Anderson.	Tillery.
Jones of Atascosa.	Winningham.
Laird.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

HOUSE BILL NO. 105 ON THIRD  
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 105, A bill to be entitled "An Act prohibiting the building or laying out of any new highway or partial highway, intended principally for intercity traffic between the cities of Beaumont and Port Arthur, in Jefferson County, Texas, and requiring

any new highway or partial highway to be built along the routes of the highways now existing between said cities; providing that any aggrieved citizen in Jefferson County may be entitled to restrain violation of the law, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

## Yeas—84

Alsup.	Jones of Shelby.
Baker.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Butler.	Latham.
Camp.	Leonard.
Canon.	Lotief.
Cathey.	Mackay.
Celaya.	Mathis.
Chastain.	McDougald.
Clayton.	McKee.
Colson.	Merritt.
Cowley.	Mitcham.
Crossley.	Moffett.
Davidson.	Morrison.
Dean.	Nicholson.
Devall.	Patterson.
Duvall.	Pavlica.
Engelhard.	Ramsey.
Fisher.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Reed of Dallas.
Goodman.	Renfro.
Graves.	Riddle.
Greathouse.	Roark.
Hankamer.	Rogers of Ochiltree.
Harrison.	Russell.
Hartzog.	Savage.
Head.	Shannon.
Hester.	Shults.
Hill.	Stanfield.
Hodges.	Steward.
Holekamp.	Tarwater.
Holland.	Thomas.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hunter.	Turlington.
Hyder.	Vaughan.
Jackson.	Walker.
James.	Wells.
Jones of Atascosa.	Young.

## Nays—21

Adamson.	Magee.
Aikin.	Metcalf.
Anderson.	Munson.
Atchison.	Parkhouse.
Burns.	Purvey.
Daniel.	Rogers of Hunt.
Fain.	Stinson.
Harris.	Stubbeman.
Jones of Runnels.	Van Zandt.
Kayton.	Wagstaff.
Lindsey.	

## Present—Not Voting

Scott.

## Absent

Alexander.	Laird.
Barrett.	Lange.
Barron.	Lemens.
Beck.	Long.
Bergman.	McCullough.
Bradley.	McGregor.
Calvert.	Moore.
Caven.	Morse.
Coombes.	Palmer.
Dunlap.	Pope.
Dwyer.	Roberts.
Good.	Rollins.
Griffith.	Scarborough.
Harman.	Smith.
Hicks.	Stovall.
Holloway.	Tennyson.
Hughes.	Winningham.
Jefferson.	Wood.
Johnson of Anderson.	

## Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has passed

H. B. No. 114, A bill to be entitled  
"An Act to prohibit justices of the  
peace from adjudging fees in misde-  
meanor criminal cases in favor of  
constables and deputy constables,  
where the alleged offense was com-  
mitted in a justice precinct other  
than the precinct in which such con-  
stable was elected or such deputy con-  
stable appointed, and to prohibit con-  
stables and deputy constables from  
collecting or receiving fees; etc."

H. C. R. No. 18, Granting W. D.  
Malone permission to sue the State.

H. C. R. No. 21, Granting J. O.  
Currie and J. C. Locklar, of Midland,  
County, Texas, permission to sue the  
State.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 161 ON THIRD  
READING

The Speaker laid before the House,  
on its third reading and final passage,

H. B. No. 161, A bill to be entitled  
"An Act further defining the offense  
of bribery; making any person em-  
ployed in any department of State  
Government guilty of bribery who  
contributes to the head of the depart-  
ment in which he is employed any  
money or property to further the cam-  
paign of such department head for  
nomination or election to any State  
office; providing that if any such em-  
ployee uses any property belonging to  
the State to aid in any campaign for  
office sought by the head of the de-  
partment in which he is employed, he  
shall be guilty of bribery; providing  
that any State officer who accepts  
campaign contributions from State  
employees in his department or know-  
ingly permits same to be done, shall  
be guilty of accepting a bribe; pro-  
viding penalties, and declaring an  
emergency."

The bill was read third time.

Mr. Butler moved the previous  
question on the passage of the bill,  
and the motion was duly seconded.

Question recurring on the motion  
for the main question, it was lost.

House Bill No. 161 was passed by  
the following vote:

## Yeas—70

Aikin.	Hoskins.
Atchison.	Hughes.
Baker.	Hunter.
Barrett.	Hyder.
Barron.	James.
Beck.	Johnson
Butler.	of Anderson
Camp.	Jones of Shelby
Cathey.	Kayton.
Celaya.	Latham.
Clayton.	Lemens.
Colson.	Leonard.
Coombes.	Mackay.
Cowley.	Magee.
Devall.	McCullough.
Duvall.	McDougald.
Fain.	McKee.
Fuchs.	Merritt.
Glass.	Mitcham.
Good.	Moore.
Graves.	Morrison.
Greathouse.	Nicholson.
Hankamer.	Palmer.
Hartzog.	Pavlica.
Head.	Ray.
Hester.	Reader.

Renfro.	Stubbeman.
Riddle.	Tennyson.
Roark.	Tillery.
Rogers of Hunt.	Townsend.
Russell.	Turlington.
Savage.	Wagstaff.
Scott.	Walker.
Shannon.	Wells.
Stinson.	Winningham.
Stovall.	

## Nays—48

Adamson.	Jones of Runnels.
Alsup.	Kyle of Hays.
Anderson.	Lotief.
Bourne.	Mathis.
Bradley.	McGregor.
Burns.	Metcalfe.
Caven.	Moffett.
Chastain.	Munson.
Crossley.	Puryear.
Daniel.	Ramsey.
Davidson.	Ratliff.
Dean.	Reed of Bowie.
Engelhard.	Reed of Dallas.
Fisher.	Rogers
Ford.	of Ochiltree.
Golson.	Rollins.
Goodman.	Shults.
Harris.	Smith.
Hicks.	Stanfield.
Hill.	Thomas.
Hodges.	Van Zandt.
Holland.	Vaughan.
Huddleston.	Wood.
Jackson.	Young.
Jones of Atascosa.	

## Absent

Alexander.	Laird.
Bergman.	Lange.
Calvert.	Lindsey.
Canon.	Long.
Dunlap.	Morse.
Dwyer.	Parkhouse.
Griffith.	Patterson.
Harman.	Pope.
Harrison.	Roberts.
Holekamp.	Scarborough.
Holloway.	Steward.
Jefferson.	Tarwater.
Kyle of Palo Pinto.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

## SENATE BILL NO. 10 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the General Rev-

enue of the State for the purpose of enforcing the provisions of House Bill No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

## Yeas—63

Alexander.	McKee.
Atchison.	Metcalfe.
Beck.	Moffett.
Bradley.	Moore.
Cathey.	Morrison.
Celaya.	Morse.
Clayton.	Munson.
Colson.	Nicholson.
Crossley.	Parkhouse.
Dunlap.	Patterson.
Duvall.	Pavlica.
Engelhard.	Pope.
Fain.	Ray.
Ford.	Reader.
Fuchs.	Reed of Dallas.
Golson.	Renfro.
Griffith.	Riddle.
Harris.	Roberts.
Hartzog.	Rogers
Hill.	of Ochiltree.
Holland.	Scarborough.
Hughes.	Shannon.
Hyder.	Stanfield.
Jackson.	Steward.
Jones of Atascosa.	Stubbeman.
Jones of Shelby.	Tarwater.
Kayton.	Tennyson.
Leonard.	Thomas.
Mackay.	Townsend.
Magee.	Turlington.
Mathis.	Wagstaff.
McDougald.	Walker.

## Nays—61

Adamson.	Head.
Aikin.	Hester.
Alsup.	Hicks.
Anderson.	Hodges.
Baker.	Hoskins.
Barrett.	Huddleston.
Bourne.	Hunter.
Burns.	James.
Camp.	Johnson
Canon.	of Anderson.
Chastain.	Jones of Runnels.
Coombes.	Kyle of Palo Pinto.
Cowley.	Laird.
Daniel.	Latham.
Dean.	Lemens.
Devall.	Lindsey.
Fisher.	Lotief.
Glass.	McCullough.
Good.	Merritt.
Goodman.	Mitcham.
Graves.	Palmer.
Greathouse.	Puryear.

Ratliff.	Stinson.
Reed of Bowie.	Stovall.
Roark.	Tillery.
Rogers of Hunt.	Van Zandt.
Rollins.	Vaughan.
Russell.	Wells.
Scott.	Winningham.
Shults.	Wood.
Smith.	Young.

## Absent

Barron.	Holekamp.
Bergman.	Holloway.
Butler.	Jefferson.
Calvert.	Kyle of Hays.
Caven.	Lange.
Davidson.	Long.
Dwyer.	McGregor.
Hankamer.	Ramsey.
Harman.	Savage.
Harrison.	

## Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 22, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Senators Neal, Oneal, Woodul, Patton, and Holbrook.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

CONFERENCE COMMITTEE ON  
SENATE BILL NO. 22

On motion of Mr. Savage, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 22.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Savage, Aikin, Morrison, Anderson, and Townsend.

## PROVIDING FOR THE CORRECTION OF HOUSE BILL NO. 79

Mr. Hankamer offered the following resolution:

H. C. R. No. 33, Relative to making certain corrections in House Bill No. 79.

Whereas, House Bill No. 79 has passed the House and Senate; and

Whereas, Said bill contains a minor error, due to clerical or typographical mistake; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the following correction:

The date, "April 1, 1934," in line 28, page 2, and line 1, page 3, should read, "April 15, 1934."

HANKAMER,  
JACKSON,  
CLAYTON.

The resolution was read second time, and was adopted.

SENATE BILL NO. 67 ON THIRD  
READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 67, A bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by live stock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson.	Golson.
Aikin.	Good.
Alexander.	Goodman.
Alsup.	Graves.
Baker.	Greathouse.
Barrett.	Griffith.
Beck.	Hankamer.
Bourne.	Harris.
Bradley.	Hartzog.
Burns.	Head.
Camp.	Hester.
Canon.	Hill.
Cathey.	Hodges.
Celaya.	Holland.
Clayton.	Hoskins.
Crossley.	Huddleston.
Daniel.	Hughes.
Dean.	Hunter.
Devall.	Hyder.
Engelhard.	Jackson.
Fain.	James.
Ford.	Johnson
Fuchs.	of Anderson.
Glass.	Jones of Atascosa.

Jones of Runnels.	Reed of Dallas.
Jones of Shelby.	Renfro.
Kayton.	Riddle.
Kyle of Palo Pinto.	Roark.
Laird.	Roberts.
Lemens.	Rogers of Hunt.
Leonard.	Rogers of Ochiltree.
Lotief.	Rollins.
Mackay.	Russell.
Magee.	Shannon.
Mathis.	Shults.
McCullough.	Smith.
McDougald.	Stanfield.
McKee.	Steward.
Metcalfe.	Stinson.
Mitcham.	Stubbsman.
Moffett.	Tarwater.
Moore.	Thomas.
Morrison.	Tillery.
Munson.	Townsend.
Nicholson.	Turlington.
Palmer.	Van Zandt.
Patterson.	Vaughan.
Pavlica.	Wagstaff.
Pope.	Wells.
Ratliff.	Winningham.
Ray.	Wood.
Reader.	Young.
Reed of Bowie.	

## Nays—7

Anderson.	Puryear.
Chastain.	Scarborough.
Coombes.	Walker.
Lindsey.	

## Absent

Atchison.	Holekamp.
Barron.	Holloway.
Bergman.	Jefferson.
Butler.	Kyle of Hays.
Calvert.	Lange.
Caven.	Latham.
Colson.	Long.
Cowley.	McGregor.
Davidson.	Merritt.
Dunlap.	Morse.
Duvall.	Parkhouse.
Dwyer.	Ramsey.
Fisher.	Savage.
Harman.	Scott.
Harrison.	Stovall.
Hicks.	Tennyson.

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency." (With amendments.)

H. B. No. 28, A bill to be entitled "An Act amending Sections 1, 2, 4, 5, 6, 8, 9, and 12, of Chapter 241, Acts of the Regular Session, Forty-third Legislature, page 843, and further amending Chapter 241, Acts, Regular Session, Forty-third Legislature, page 843, by adding a new section to said Act, to be designated and styled as Section 17-b, which new section vests and empowers the Commissioner of Labor with the power to promulgate all necessary rules; etc., and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## ADDRESS BY RAFAEL DE LA COLINA

Rafael de la Colina, Consul General of Mexico, being introduced by Speaker Stevenson, addressed the House briefly.

## RELATIVE TO THE CONSIDERATION OF SENATE BILLS

Mr. Hankamer offered the following resolution:

Whereas, There remains only today when the House of Representatives can consider any bill on any reading without the suspension of the Twenty-four-hour Rule;

Whereas, There remains many Senate bills on second reading which cannot be considered after today; therefore, be it

Resolved by the House of Representatives, That for the rest of today the House consider only Senate bills on second reading in their regular or numerical order until they are finally passed or disposed of in some way, except before any Senate bill

on second reading can be taken up today, that the constitutional rule, as to bills being read on three several days, be suspended on the bill, because if such rule cannot be suspended, it would be useless to take up such bill on account of the Twenty-four-hour Rule; and, be it further

Resolved, That no Member who has a Senate bill in charge can yield for anyone to take up a bill out of its regular order without unanimous consent of the House.

The resolution was read second time, and was lost.

#### SENATE BILL NO. 10 ON FINAL PASSAGE

Mr. Jones of Atascosa moved to reconsider the vote by which Senate Bill No. 10 was passed.

Mr. Reader moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—52

Atchison.	McDougald.
Beck.	Metcalfe.
Celaya.	Moffett.
Clayton.	Moore.
Colson.	Munson.
Crossley.	Nicholson.
Davidson.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Ford.	Pope.
Fuchs.	Ray.
Glass.	Reader.
Griffith.	Riddle.
Hankamer.	Roberts.
Harris.	Rogers
Hill.	of Ochiltree.
Holekamp.	Scarborough.
Holland.	Shannon.
Hughes.	Stanfield.
Hyder.	Steward.
Jackson.	Stubbeman.
Jefferson.	Tarwater.
Jones of Shelby.	Townsend.
Kayton.	Wagstaff.
Leonard.	Walker.
Mackay.	Wood.
Magee.	

#### Nays—68

Adamson.	Bourne.
Aikin.	Burns.
Alsup.	Camp.
Anderson.	Canon.
Baker.	Cathey.
Barrett.	Chastain.
Bergman.	Coombes.

Daniel.	Mathis.
Dean.	McCullough.
Devall.	McKee.
Duvall.	Merritt.
Golson.	Mitcham.
Good.	Morrison.
Goodman.	Palmer.
Graves.	Puryear.
Greathouse.	Ratliff.
Harman.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Roark.
Hicks.	Rogers of Hunt.
Hodges.	Rollins.
Hoskins.	Russell.
Huddleston.	Scott.
Hunter.	Shults.
James.	Smith.
Johnson	Stinson.
of Anderson.	Stovall.
Jones of Atascosa.	Thomas.
Jones of Runnels.	Tillery.
Kyle of Palo Pinto.	Van Zandt.
Laird.	Vaughan.
Latham.	Wells.
Lemens.	Winningham.
Lindsey.	Young.
Lotief.	

#### Absent

Alexander.	Holloway.
Barron.	Kyle of Hays.
Bradley.	Lange.
Butler.	Long.
Calvert.	McGregor.
Caven.	Morse.
Cowley.	Ramsey.
Dunlap.	Renfro.
Dwyer.	Savage.
Fisher.	Tennyson.
Harrison.	Turlington.
Hartzog.	

#### Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

Question next recurring on the motion to reconsider the vote, it prevailed.

Senate Bill No. 10 was then passed by the following vote:

#### Yeas—65

Alexander.	Dwyer.
Atchison.	Engelhard.
Beck.	Fain.
Cathey.	Ford.
Caven.	Fuchs.
Celaya.	Golson.
Clayton.	Griffith.
Colson.	Hankamer.
Crossley.	Harman.
Davidson.	Harris.
Duvall.	Hartzog.

Hill.	Pavlica.
Holekamp.	Pope.
Holland.	Ray.
Hughes.	Reader.
Hyder.	Reed of Dallas.
Jackson.	Renfro.
Jefferson.	Riddle.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Leonard.	Rollins.
Mackay.	Scarborough.
Magee.	Shannon.
Mathis.	Stanfield.
McDougald.	Steward.
McKee.	Stubbeman.
Metcalfe.	Tarwater.
Moffett.	Tennyson.
Moore.	Thomas.
Munson.	Townsend.
Nicholson.	Turlington.
Parkhouse.	Wagstaff.
Patterson.	Walker.

## Nays—61

Adamson.	Jones of Atascosa.
Aikin.	Jones of Runnels.
Alsup.	Kyle of Palo Pinto.
Anderson.	Laird.
Baker.	Latham.
Barrett.	Lindsey.
Bergman.	Lotief.
Bourne.	McCullough.
Burns.	Merritt.
Calvert.	Mitcham.
Camp.	Palmer.
Canon.	Puryear.
Chastain.	Ratliff.
Coombes.	Reed of Bowie.
Daniel.	Roark.
Dean.	Rogers of Hunt.
Devall.	Russell.
Glass.	Savage.
Good.	Scott.
Goodman.	Shults.
Graves.	Smith.
Greathouse.	Stinson.
Head.	Stovall.
Hester.	Tillery.
Hicks.	Van Zandt.
Hodges.	Vaughan.
Hoskins.	Wells.
Huddleston.	Winningham.
Hunter.	Wood.
James.	Young.
Johnson	
of Anderson.	

## Absent

Barron.	Lange.
Bradley.	Lemens.
Butler.	Long.
Cowley.	McGregor.
Dunlap.	Morrison.
Fisher.	Morse.
Harrison.	Ramsey.
Holloway.	Roberts.
Kyle of Hays.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

## SENATE BILL NO. 16 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm, and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof, and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 16 ON THIRD READING

Mr. Hicks moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—107

Adamson.	Fain.
Aikin.	Ford.
Alexander.	Fuchs.
Alsup.	Glass.
Atchison.	Golson.
Baker.	Good.
Barrett.	Graves.
Barron.	Greathouse.
Bergman.	Hankamer.
Bourne.	Harris.
Burns.	Hartzog.
Calvert.	Head.
Canon.	Hester.
Cathey.	Hicks
Caven.	Hill.
Chastain.	Hodges.
Clayton.	Holekamp.
Colson.	Holland.
Coombes.	Hoskins.
Daniel.	Huddleston.
Dean.	Hughes.
Devall.	Hunter.
Duvall.	Hyder.
Engelhard.	Jackson.

James.	Ray.
Johnson	Reed of Bowie.
of Anderson.	Reed of Dallas.
Jones of Atascosa.	Renfro.
Jones of Runnels.	Riddle.
Jones of Shelby.	Roark.
Kyle of Hays.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Rollins.
Lemens.	Russell.
Leonard.	Savage.
Lindsey.	Shannon.
Mackay.	Shults.
Magee.	Steward.
Mathis.	Stinson.
McCullough.	Stovall.
McDougald.	Stubbeman.
McKee.	Tarwater.
Merritt.	Thomas.
Metcalfe.	Tillery.
Mitcham.	Townsend.
Moffett.	Turlington.
Moore.	Van Zandt.
Morrison.	Vaughan.
Munson.	Wagstaff.
Nicholson.	Walker.
Palmer.	Wells.
Pavlica.	Winningham.
Pope.	Wood.
Puryear.	Young.
Ratliff.	

## Absent

Anderson.	Kayton.
Beck.	Lange.
Bradley.	Latham.
Butler.	Long.
Camp.	Lotief.
Celaya.	McGregor.
Cowley.	Morse.
Crossley.	Parkhouse.
Davidson.	Patterson.
Dunlap.	Ramsey.
Dwyer.	Reader.
Fisher.	Roberts.
Goodman.	Rogers of Hunt.
Griffith.	Scarborough.
Harman.	Scott.
Harrison.	Smith.
Holloway.	Stanfield.
Jefferson.	Tennyson.

## Absent—Excused

Bedford.	Johnson.
Dunagan.	of Dimmit.
Hunt.	Weinert.

The Speaker then laid Senate Bill No. 16 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adamson.	Alexander.
Aikin.	Alsup.

Atchison.	Laird.
Baker.	Latham.
Barrett.	Lemens.
Barron.	Lindsey.
Beck.	Mackay.
Bergman.	Magee.
Bourne.	Mathis.
Burns.	McCullough.
Calvert.	McDougald.
Canon.	Metcalfe.
Cathey.	Mitcham.
Caven.	Moffett.
Clayton.	Moore.
Coombes.	Morrison.
Cowley.	Munson.
Crossley.	Nicholson.
Daniel.	Parkhouse.
Dean.	Patterson.
Devall.	Pavlica.
Duvall.	Puryear.
Engelhard.	Ramsey.
Fain.	Ratliff.
Ford.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Roark.
Goodman.	Rogers of Hunt.
Graves.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Russell.
Harris.	Shannon.
Hartzog.	Shults.
Head.	Smith.
Hester.	Stanfield.
Hicks.	Steward.
Hill.	Stinson.
Hodges.	Stovall.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunter.	Townsend.
Hyder.	Turlington.
James.	Van Zandt.
Johnson	Vaughan.
of Anderson.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kayton.	Wood.
Kyle of Hays.	Young.
Kyle of Palo Pinto.	

## Present—Not Voting

Lotief.

## Absent

Anderson.	Dunlap.
Bradley.	Dwyer.
Butler.	Fisher.
Camp.	Hankamer.
Celaya.	Harman.
Chastain.	Harrison.
Colson.	Holloway.
Davidson.	Jackson.



Jefferson.	Pope.
Lange.	Ray.
Leonard.	Reader.
Long.	Roberts.
McGregor.	Rollins.
McKee.	Savage.
Merritt.	Scarborough.
Morse.	Scott.
Palmer.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

H. C. R. No. 33, Instructing the  
Enrolling Clerk of the House to cor-  
rect certain clerical or typographical  
error in House Bill No. 79.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 95 WITH SEN-  
ATE AMENDMENTS

Mr. Tennyson called up from the  
Speaker's table, with Senate amend-  
ments, for consideration of the  
amendments,

H. B. No. 95, A bill to be entitled  
"An Act amending Article 1119, of  
the Revised Civil Statutes of 1925,  
so as to change the population of  
towns coming within its scope from  
two thousand (2,000) to five hundred  
(500); and to limit the earnings of  
persons, companies, or corporations,  
coming within the provisions of said  
article, to an amount not exceeding  
a fair return upon the fair value of  
property used and useful in render-  
ing its service to the public; which  
return shall never exceed ten per  
cent (10%) per annum, and declar-  
ing an emergency."

The Speaker laid the bill before the  
House, with the Senate amendments.

Mr. Tennyson moved that the  
House do not concur in the Senate  
amendments, and that a confer-  
ence committee be requested to ad-  
just the differences between the two  
Houses on the bill.

Mr. Van Zandt moved that the  
House concur in the Senate amend-  
ments.

Mr. Tennyson moved to table the  
motion by Mr. Van Zandt.

The motion to table prevailed by  
the following vote:

## Nays—97

Adamson.	Laird.
Aikin.	Latham.
Alexander.	Leonard.
Alsup.	Lindsey.
Baker.	Lotief.
Barrett.	Mackay.
Barron.	Magee.
Beck.	McGregor.
Bourne.	McKee.
Burns.	Merritt.
Calvert.	Metcalf.
Camp.	Mitcham.
Canon.	Moffett.
Cathey.	Morrison.
Chastain.	Munson.
Colson.	Nicholson.
Coombes.	Palmer.
Cowley.	Pope.
Daniel.	Puryear.
Dean.	Ray.
Duvall.	Reader.
Engelhard.	Reed of Bowie.
Fain.	Riddle.
Ford.	Roark.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Russell.
Graves.	Savage.
Greathouse.	Scott.
Griffith.	Shannon.
Harris.	Shults.
Hartzog.	Smith.
Head.	Stinson.
Hester.	Stovall.
Hodges.	Stubbeman.
Holekamp.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunter.	Townsend.
Hyder.	Turlington.
Jackson.	Vaughan.
James.	Walker.
Jones of Atascosa.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kyle of Hays.	Young.

## Nays—22

Atchison.	Hankamer.
Celaya.	Hicks.
Clayton.	Hill.
Crossley.	Kyle of Palo Pinto.
Davidson.	Moore.

Parkhouse.	Rollins.
Patterson.	Scarborough.
Pavlica.	Stanfield.
Ratliff.	Steward.
Reed of Dallas.	Van Zandt.
Renfro.	Wagstaff.

## Absent

Anderson.	Jefferson.
Bergman.	Johnson
Bradley.	of Anderson.
Butler.	Kayton.
Caven.	Lange.
Devall.	Lemens.
Dunlap.	Long.
Dwyer.	Mathis.
Fisher.	McCullough.
Harman.	McDougald.
Harrison.	Morse.
Holland.	Ramsey.
Holloway.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

Question next recurring on the motion of Mr. Tennyson, it prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on House Bill No. 95: Messrs. Tennyson, Reader, Hester, Calvert, and Steward.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, February 26, 1934.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on House Bill No. 43 by the following vote: Yeas, 28; nays, 0.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## SENATE BILL NO. 38 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 38, A bill to be entitled "An Act to regulate the conducting in public competition for prizes, awards, and admission fees, and personal, physical, or mental endurance contests; regulating the manner in which contestants may participate in

such contests; prescribing the penalties for violation of this Act; providing for certain exceptions to this Act; declaring that any house, structure, building, place, or open air space that is being used for purposes in violation of the provisions of this Act is declared to be a nuisance, and declaring an emergency."

The bill was read second time.

Mr. Reader offered the following amendments to the bill:

## (1)

Amend Senate Bill No. 38 by adding a new Section, as follows:

"Section 10. If any section, subsection, sentence, clause, word, or phrase of this Act is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Act, which are hereby declared distinct and severable."

## (2)

Amend Senate Bill No. 38 by adding a new Section, to be known as Section 11, and reading as follows:

"Section 11. The fact that there is now no law in the State of Texas governing the endurance tests creates an emergency and an imperative public necessity that the constitutional rule, requiring that all bills be read in each House on three several days, be suspended, and the said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 38 was then passed to third reading.

## SENATE BILL NO. 38 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—115

Adamson.	Kayton.
Aikin.	Kyle of Palo Pinto.
Alexander.	Laird.
Alsup.	Latham.
Anderson.	Leonard.
Atchison.	Lindsey.
Baker.	Long.
Barrett.	Lotief.
Beck.	Mackay.
Bergman.	Magee.
Bourne.	Mathis.
Burns.	McCullough.
Calvert.	McDougald.
Canon.	McGregor.
Cathey.	Merritt.
Caven.	Metcalfe.
Celaya.	Mitcham.
Chastain.	Moffett.
Clayton.	Morrison.
Coombes.	Munson.
Cowley.	Nicholson.
Crossley.	Palmer.
Daniel.	Parkhouse.
Davidson.	Pavlica.
Dean.	Pope.
Devall.	Puryear.
Dunlap.	Ratliff.
Dwyer.	Ray.
Engelhard.	Reader.
Fain.	Reed of Bowie.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Golson.	Roark.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Graves.	Rollins.
Greathouse.	Russell.
Griffith.	Savage.
Hankamer.	Scarborough.
Harris.	Shannon.
Hartzog.	Shults.
Head.	Smith.
Hester.	Stanfield.
Hill.	Steward.
Hodges.	Stinson.
Holekamp.	Stovall.
Hoskins.	Stubbeman.
Huddleston.	Tarwater.
Hughes.	Thomas.
Hunter.	Tillery.
Hyder.	Townsend.
James.	Van Zandt.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	Young.

## Nays—4

Duvall.	Jackson.
Holland.	Wood.

## Present—Not Voting

Kyle of Hays.

## Absent

Barron.	Lemens.
Bradley.	McKee.
Butler.	Moore.
Camp.	Morse.
Colson.	Patterson.
Fisher.	Ramsey.
Harman.	Rogers
Harrison.	of Ochiltree.
Hicks.	Scott.
Holloway.	Tennyson.
Jones of Atascosa.	Turlington.
Lange.	Vaughan.

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

The Speaker laid Senate Bill No. 38 before the House on its third reading and final passage.

The bill was read third time, and was passed.

### COMMITTEE IN COMPLIANCE WITH SENATE CONCURRENT RESOLUTION NO. 23

The Speaker announced the appointment of the following committee in compliance with Senate Concurrent Resolution No. 23: Messrs. T. W. Davidson, Dallas, Texas; Stanton Dossett, Cameron, Texas; Ed. Howard, Wichita Falls, Texas; Charles E. Coombes, Stamford, Texas; William H. Richardson, Austin, Texas.

### CONFERENCE COMMITTEE RE- PORT ON SENATE BILL NO. 3

Mr. Vaughan submitted the conference committee report on Senate Bill No. 3, and moved that the report be printed in the Journal, and that further consideration of same be postponed until tomorrow.

Mr. Burns moved as a substitute that the House refuse to adopt the report, and that a new conference committee be requested to adjust the differences.

Question first recurring on the motion of Mr. Burns, it prevailed by the following vote:

## Yeas—102

Adamson.	Bergman.
Aikin.	Bourne.
Alsup.	Burns.
Baker.	Canon.
Barrett.	Cathey.

Chastain.	Magee.
Colson.	Mathis.
Coombes.	McCullough.
Cowley.	McDougald.
Crossley.	McGregor.
Daniel.	Merritt.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Morrison.
Duvall.	Nicholson.
Dwyer.	Palmer.
Engelhard.	Parkhouse.
Fain.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Golson.	Puryear.
Good.	Ratliff.
Goodman.	Ray.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Harman.	Renfro.
Harris.	Riddle.
Hartzog.	Roark.
Head.	Roberts.
Hester.	Rogers of Hunt.
Hicks.	Rogers
Hill.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Russell.
Holland.	Savage.
Hoskins.	Scarborough.
Huddleston.	Scott.
Hunter.	Shannon.
Hyder.	Smith.
Jackson.	Stanfield.
James.	Stinson.
Jefferson.	Stovall.
Johnson	Stubbeman.
of Anderson.	Tarwater.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kayton.	Townsend.
Kyle of Palo Pinto.	Wagstaff.
Laird.	Walker.
Leonard.	Winningham.
Lindsey.	Wood.
Lotief.	Young.
Mackay.	

## Nays—19

Atchison.	Metcalfe.
Calvert.	Moore.
Camp.	Munson.
Caven.	Shults.
Clayton.	Steward.
Ford.	Turlington.
Hankamer.	Van Zandt.
Hughes.	Vaughan.
Kyle of Hays.	Wells.
McKee.	

## Absent

Alexander.	Celaya.
Anderson.	Dunlap.
Barron.	Fisher.
Beck.	Graves.
Bradley.	Harrison.
Butler.	Holloway.

Jones of Atascosa.	Morse.
Lange.	Ramsey.
Latham.	Reader.
Lemens.	Tennyson.
Long.	

## Absent—Excused

Bedford.	Johnson
Dunagan.	of Dimmit.
Hunt.	Weinert.

BILLS AND RESOLUTION SIGNED  
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 8, "An Act amending Article 2529, Revised Civil Statutes of 1925, providing qualifications for State depositories, and declaring an emergency."

S. B. No. 76, "An Act amending Article 2676, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts, Third Called Session, Forty-second Legislature, and declaring an emergency."

S. B. No. 43, "An Act to authorize certain cities in this State to issue bonds, notes, or warrants, payable from revenues other than taxation, for construction, maintenance, and operation of a toll bridge, or toll bridges, over and across any stream, inlet, or arm of the Gulf of Mexico, or entrance channel to a port in any such city; etc., and declaring an emergency."

H. B. No. 125, "An Act to amend Article 920, of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

H. B. No. 88, "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas, with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; etc."

H. B. No. 114, "An Act to prohibit justices of the peace from adjudging fees in misdemeanor criminal cases in favor of constables and deputy constables, where the alleged offense was committed in a justice precinct other than the precinct in which such constable was elected or such deputy constable appointed, and to prohibit constables and deputy constables from collecting or receiving fees; etc."

S. C. R. No. 23, Relative to celebrating March 4, in honor of President Franklin D. Roosevelt.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 99

On motion of Mr. Alexander, the following report was ordered printed in the Journal:

Committee Room,  
Austin, Texas, February 26, 1934.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and Senate on House Bill No. 99, beg leave to submit the following report:

We have had House Bill No. 99 under consideration, and recommend the adoption of the attached bill as rewritten by your conference committee:

"H. B. No. 99,

#### A BILL

To Be Entitled

An Act amending Section 3, of Chapter 2, Acts, Forty-second Legislature, Fourth Called Session, requiring all persons, companies, or corporations producing, storing, transporting, refining, reclaiming, treating, marketing, or processing

crude oil or natural gas, to keep accurate records pertaining to their business; authorizing and requiring the Railroad Commission of Texas to inquire into the facts in regard to such matters, or any of them; authorizing the Railroad Commission to require such persons to make and file with the Commission sworn statements or reports as to such facts; authorizing the Railroad Commission and its agents to inspect or gauge the wells, plants, tanks, or lines belonging to or under the control of such persons, companies, or corporations, and to examine the books and records of such persons, companies, or corporations; providing that the information thus secured shall not be available for any private use but shall be restricted to the use of any governmental agency, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3, Chapter 2, Acts, Forty-second Legislature, Fourth Called Session, be, and the same is hereby, amended so that it shall hereafter read as follows:

"Section 3. The Railroad Commission shall have the power, and it shall be its duty from time to time, to inquire into the production, storage, transportation, refining, reclaiming, treating, marketing, or processing of crude oil or natural gas, and the reasonable market or consumer demand therefor, in order to determine whether or not waste exists or is imminent, or whether the conservation laws of Texas or the orders of the Railroad Commission are being violated. It shall be the duty of all persons, companies, or corporations producing, storing, transporting, refining, reclaiming, treating, marketing, or processing crude oil or natural gas, to keep accurate records as to the amount of such products produced, stored, transported, refined, reclaimed, treated, marketed, or processed by such person, company, or corporation; and as to the source from which such person, company, or corporation has produced, obtained, or received crude oil, natural gas, or the products of either, and the disposition made of same. The Commission shall have the right to require all such persons, companies, or corporations to make and file with the

Commission sworn statements or reports as to the facts within their knowledge or possession pertaining to the production, storing, transportation, refining, reclaiming, treating, marketing, or processing of crude oil or natural gas and the reasonable market or consumer demand therefor, including those facts enumerated herein; and to require any well, plant, tank, or storage, or pipe line, or gathering line, belonging to or under the control of any such person, company, or corporation, to be inspected or gauged by the agents of the Commission whenever and as often and for such periods as the Commission may deem necessary; and the Commission and its agents may likewise examine the books and records of any such person, company, or corporation as often as deemed necessary for the purpose of ascertaining the facts concerning the matters and things hereinabove set forth. The data, reports, and information obtained and received hereunder shall not be available for any private use or public circulation, but shall be available to any State governmental agency."

Sec. 2. This Act shall not repeal any existing law not inconsistent therewith but shall be considered to be cumulative of the same.

Sec. 3. The fact that the Railroad Commission under court decisions probably does not at this time have jurisdiction over certain of the businesses and companies mentioned in this Act, which fact seriously handicaps the enforcement of the conservation laws of this State, creates an emergency and imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

SMALL,  
COUSINS,  
MURPHY,  
PACE,

On the part of the Senate;

LONG,  
WELLS,  
ROBERTS,  
ALEXANDER,  
SCARBOROUGH,

On the part of the House.

## ADJOURNMENT

Mr. Dwyer moved that the House recess to 7:30 o'clock p. m., today.

Mr. Chastain moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Moffett moved that the House adjourn until 10 o'clock a. m., tomorrow.

The motion of Mr. Moffett prevailed, and the House, accordingly, at 6 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

## APPENDIX

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, February 24, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 87, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent on February 1, 1934, due State, county, common school districts, road districts, levee improvement districts, water improvement districts; etc.,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, February 24, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, so as to hereafter read as follows: 'An Act repealing the pound fish tax, and providing a privilege license for any person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer'; etc.,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

# REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 88, "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry, in counties having a population in excess of three hundred and fifty thousand (350,000), according to the last preceding Federal Census, for the setting up of a code, codes, or agreements; authorizing local milk industry boards in said counties after hearing to set up and promulgate a code, codes, or agreements for fair competition for the milk industry; authorizing said board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification, or change of codes set up under this Act; providing for the publication by said board of codes; authorizing the said board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority, and making provision for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional, such decision shall not affect other provisions or portions of this Act, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 125, "An Act to amend Article 793, of the Code of Criminal Procedure of the State of Texas, so as to provide that a defendant convicted of a misdemeanor, and his punishment is assessed a pecuniary fine, and unable to pay his fine, may be put to work in the workhouse, or on the county farm, or public improvements of the county, or imprisoned in jail for a sufficient length of time to satisfy the fine and costs, at the rate of three dollars (\$3) for each day, and declaring an emergency."

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, February 26, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 114, "An Act providing for the trial of persons in cases in justice precinct courts in the precinct in which the offense was committed; providing in precincts where there is no duly qualified justice precinct court then trial shall be had in the next adjacent precinct which may have such court; providing for trial in any other precinct in the county upon disqualification for any reason of the justice of the peace in the precinct where the offense was committed; providing fees shall not be allowed any constable in any misdemeanor cases arising in any precinct other than the one for which he has been elected, except through order of the county commissioners court; providing penalties for violation of this Act; providing the provisions hereof shall only apply to counties with a population of two hundred and twenty-five thousand (225,000) or over, according to the last preceding Federal Census, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.